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Before the
Federal Communications Commission
Washington, D.C. 20554

AUG 14 1999

FCC

In the Matter of

Promotion of Competitive Networks
In Local Telecommunications Markets

) WT Docket No.99-217
)

Wireless Communications Association
International, Inc. Petition for Rulemaking to
Amend Section 1.4000 of the Commission's Rules)
To Preempt Restrictions on Subscriber Premises)
Reception or Transmission Antennas Designed)
To Provide Fixed Wireless Services)

Cellular Telecommunications Industry)
Association Petition for Rule Making and)
Amendment of the Commission's Rules)
To Preempt State and Local Imposition of)
Discriminatory And/Or Excessive Taxes)
And Assessments)

Implementation of the Local Competition)
Provisions in the Telecommunications Act)
Of 1996

) CC Docket No.96-98
)

COMMENTS

Description of Association. I am the President of the Skyline Plaza Council of Co-Owners, 3703 South George Mason Drive, Falls Church, Virginia 22041. This location is in the Fairfax County, Virginia suburbs of Washington D.C. We reside in a high rise condominium having 957 units in two adjacent towers, and an annual budget of about \$4.3 million.

State of Competition. Local telephone service is provided by Bell Atlantic with no competition. Long distance telephone competition to AT&T is provided by MCI, SPRINT, and others. The cable TV company is Media General (now owned by Cox Communications Inc.). This company was granted a monopoly by Fairfax County. Even though no other providers of cable are available, Skyline Plaza does not have an exclusive contract with Media General.

Telecommunications Providers' Practices. Our original cable installation was done under contract with Media General. At that time both sides were motivated to achieve a quick and complete

installation. Our management worked with Media General to minimize the possibly unsightly appearance of cable lines. The main cables were placed in conduits in the stairwells. Then, cables were run along hallways in covered conduits attached to the ceiling/wall interface.

A resident who wants cable service arranges the installation of a line from the hallway into the unit to a place accessible by the television set. Billing and service are arranged directly between the resident and cable company. The telephone billing and service are handled in the same way. After the major installation is over, the impact of a resident installation is minimal.

The phone and cable companies enter our buildings to install new service or maintain their equipment during normal working hours. The phone lines are in special rooms and most of the cables are in hallways and stairwells. These companies do not always require access to a customer's unit to perform maintenance.

The initial cabling of the buildings was accomplished by negotiation of schedules, placement of cables etc. The installation was successful because both parties were motivated to install cable service, but neither party was forced to.

Effect of Competition. If the Association wanted an alternative provider, we would need the leverage to negotiate their need for space similar to the way we did with Media General. If a new provider became available, where would its cables be placed? Additional conduits would be unsightly as well as difficult to place. We must retain the option of selecting the cable provider(s) so we may control the limited space available. The physical impact of multiple cable installations on the community as a whole, may very well outweigh the benefits to be achieved.

Impact of Forced Entry. Our residents may want additional choices of companies and competitive pricing, but we cannot simply tear up the building to achieve this. A forced entry provision would leave us at the mercy of providers who wanted to install equipment and sign up customers as quickly and cheaply as possible, without consideration of the physical and electronic impact on the environment.

Who is to guarantee that a hodge-podge of telecommunications companies operating in such limited space, will not produce an electronic signal environment which interferes with the normal operation of electric appliances, microwave ovens, television sets, pacemakers etc. and all the electronic gadgetry now available?

Impact of OTARD. Every unit in our two 31 story buildings has a balcony. If residents are given a free hand, we cannot require them

to securely attach an antenna and verify that they have done so by letting building engineers inspect it. We need to retain the right to approve or reject any resident-installed balcony antennas.

We need the right to approve or reject providers who want to install antennas on the roofs of our two buildings. Not only is a secure installation required, especially against high winds, but also the antenna siting must be such that we can move any such roof installations when our roofs need repairing. Forced entry provisions are not amenable to safe antenna siting, if indeed it is possible, nor the ability to maintain our rooftops.

At one time we had sundecks on the roofs. Is this option now foreclosed to us by somebody's desire to install antennas? We have the right to use our rooftops as we see fit. Indeed, if our rooftops are desirable locations for antennas, don't we have the right to lease that space to the benefit of our Association?

Access to Roofs. Doors to the roofs are kept locked for building repairs. Access is restricted to building engineers and construction contractors. We cannot be put in a position where a company or resident could demand 24-hour access to rooftop antennas.

Imposition of the OTARD rule on our association would be chaotic. Under this rule, 957 co-owners would have the right to place antennas on our roofs. It is not physically or electronically possible to accommodate this level of demand.

Conclusion. Certainly, our Board of Directors wants to incorporate the recent advances in telecommunications, but any such process must be carefully explored and tested first, given the limited space available and the potential negative impact on the residents. Hence, the Association must retain total control of the environment. No association can absorb the physical, electronic and financial impact of the proposed forced entry provisions.

SUMMARY OF MAJOR ISSUES

The environmental impact of forced entry provisions cannot be absorbed in our limited space. Imposition of the OTARD rule on our association would be chaotic. We must have total control. Safety and access provisions must be subject to our approval and control.

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